

EXHIBIT 6

Contains Confidential Portions

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JESSE ANGELO
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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SANDRA GUZMAN,
Plaintiff,
-against- 09CIV9323 (BSJ) (RLE)
NEWS CORPORATION, NYP HOLDINGS, INC., d/b/a
THE NEW YORK POST, and COL ALLAN, in his
official and individual capacities,
Defendants.
-----X
AUSTIN FENNER and IKIMULISA LIVINGSTON,
Plaintiffs,
-against- 09CIV9832 (BSJ) (RLE)
NEWS CORPORATION, NYP HOLDINGS, INC., d/b/a
THE NEW YORK POST and DAN GREENFIELD and
MICHELLE GOTTHELF,
Defendants.
-----X

VIDEOTAPED DEPOSITION OF JESSE ANGELO
New York, New York
Wednesday, April 25, 2012
REPORTED BY: BARBARA R. ZELTMAN
(BOBBIE)
Professional Stenographic Reporter
Job Number: 48821

<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 26</p> <p>1 JESSE ANGELO</p> <p>2 MR. LERNER: Objection.</p> <p>3 A Again, I don't know the ins and</p> <p>4 outs of the corporate structure.</p> <p>5 Q So the answer is no, you don't know</p> <p>6 if that's a Rupert Murdoch newspaper?</p> <p>7 MR. LERNER: Objection.</p> <p>8 A Again, ultimately, it is part of</p> <p>9 News Corporation. I do not know precisely</p> <p>10 which entity owns The Daily Telegraph.</p> <p>11 Q So actually -- so The Daily</p> <p>12 Telegraph is part of News Corporation?</p> <p>13 A Again, I don't know the ins and</p> <p>14 outs of corporate structure.</p> <p>15 Q That's not the question.</p> <p>16 Is The Daily Telegraph a News</p> <p>17 Corporation entity?</p> <p>18 MR. LERNER: Objection.</p> <p>19 A Again, I don't know exactly what</p> <p>20 the name of the entity that owns The Daily</p> <p>21 Telegraph is.</p> <p>22 Q So your answer is you have no idea</p> <p>23 if Rupert Murdoch is involved with The Daily</p> <p>24 Telegraph?</p> <p>25 MR. LERNER: Objection.</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 27</p> <p>1 JESSE ANGELO</p> <p>2 That's not the question you've been</p> <p>3 asking.</p> <p>4 A Right. You asked me before is it</p> <p>5 part of News Corporation as a whole and I</p> <p>6 said yes.</p> <p>7 I don't know who precisely owns</p> <p>8 that entity. I don't know the corporate</p> <p>9 structure.</p> <p>10 Q And by "that entity" you mean</p> <p>11 The Daily Telegraph?</p> <p>12 A Correct.</p> <p>13 Q But Rupert Murdoch is involved with</p> <p>14 The Daily Telegraph in some way, shape or</p> <p>15 form?</p> <p>16 MR. LERNER: Objection.</p> <p>17 A I don't know.</p> <p>18 Q And you don't know if Rupert</p> <p>19 Murdoch is involved with The Sun in any way?</p> <p>20 MR. LERNER: Objection.</p> <p>21 A Don't know.</p> <p>22 Q How long were you at The Daily</p> <p>23 Telegraph?</p> <p>24 A About two and a half years, little</p> <p>25 less than that.</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>
<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 28</p> <p>1 JESSE ANGELO</p> <p>2 Q So what year would you have</p> <p>3 finished up with The Daily Telegraph?</p> <p>4 A Late 1998.</p> <p>5 Q And why did you leave The Daily</p> <p>6 Telegraph?</p> <p>7 A To move back to New York.</p> <p>8 Q Did you have a job offer in New</p> <p>9 York?</p> <p>10 A No.</p> <p>11 Q And what did you do when you came</p> <p>12 back to New York. When you first arrived in</p> <p>13 New York, what was your job or did you have</p> <p>14 a job?</p> <p>15 A I was a freelance journalist.</p> <p>16 Q For whom did you do freelance</p> <p>17 journalism?</p> <p>18 A I did freelance journalism for Gear</p> <p>19 Magazine, for a Website name which escapes</p> <p>20 me -- New Style Business, and for The New</p> <p>21 York Post.</p> <p>22 Q Did you subsequently begin working</p> <p>23 for anyone in any capacity other than as a</p> <p>24 freelance journalist?</p> <p>25 MR. LERNER: Objection.</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 29</p> <p>1 JESSE ANGELO</p> <p>2 Q Does that make sense?</p> <p>3 A No.</p> <p>4 Q At some point did you stop being a</p> <p>5 freelance journalist?</p> <p>6 A Yes.</p> <p>7 Q When did that occur?</p> <p>8 A In 1999.</p> <p>9 Q And how did that occur?</p> <p>10 MR. LERNER: Objection.</p> <p>11 A I was offered a full-time job.</p> <p>12 Q By whom?</p> <p>13 A The New York Post.</p> <p>14 Q Who hired you?</p> <p>15 MR. LERNER: Objection.</p> <p>16 A Stu Marks.</p> <p>17 Q What position were you in when you</p> <p>18 were first hired?</p> <p>19 A Sunday news reporter.</p> <p>20 Q Do you know Stu Moss {sic.} title</p> <p>21 at that time?</p> <p>22 MR. LERNER: Objection.</p> <p>23 A That's not his name.</p> <p>24 Q I'm sorry. What was the name of</p> <p>25 the gentleman that hired you?</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>

<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 30</p> <p>1 JESSE ANGELO</p> <p>2 A Stu Marks.</p> <p>3 Q Oh, Stu Marks.</p> <p>4 So Stu Marks, do you know what his</p> <p>5 job title was when he hired you?</p> <p>6 A I believe he was managing editor of</p> <p>7 news.</p> <p>8 Q And how long did you work -- let me</p> <p>9 make sure.</p> <p>10 You said you were hired as a Sunday</p> <p>11 news reporter?</p> <p>12 A Correct.</p> <p>13 Q How long did you work as a Sunday</p> <p>14 news reporter?</p> <p>15 A About a year.</p> <p>16 Q And what did you do -- so this</p> <p>17 would be approximately the year 2000?</p> <p>18 A It was 1999.</p> <p>19 Q And were you subsequently promoted</p> <p>20 from news reporter?</p> <p>21 MR. LERNER: Objection.</p> <p>22 A After I was a news reporter, I was</p> <p>23 a business reporter.</p> <p>24 Q When did you become a business</p> <p>25 reporter?</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 31</p> <p>1 JESSE ANGELO</p> <p>2 A Probably late 1999. I don't know</p> <p>3 precisely the date.</p> <p>4 Q Who was your editor as a business</p> <p>5 reporter?</p> <p>6 A John Auerbach.</p> <p>7 Q How long were you a business</p> <p>8 reporter?</p> <p>9 A Maybe six months to a year.</p> <p>10 Q So this would take us to the year</p> <p>11 2000?</p> <p>12 A About that. Probably maybe halfway</p> <p>13 through the year 2000.</p> <p>14 Q And what did you do after you</p> <p>15 finished as business reporter?</p> <p>16 A I became deputy business editor.</p> <p>17 Q How long were you deputy business</p> <p>18 editor?</p> <p>19 A About a year.</p> <p>20 Q What did you do after you were</p> <p>21 deputy business editor?</p> <p>22 A I was a City editor.</p> <p>23 Q So this was approximately 2001 you</p> <p>24 became City editor?</p> <p>25 A Correct.</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>
<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 32</p> <p>1 JESSE ANGELO</p> <p>2 Q How long were you City editor?</p> <p>3 A About six years.</p> <p>4 Q Do you recall the date that you</p> <p>5 stopped being City editor?</p> <p>6 A I don't recall the exact date.</p> <p>7 Q Do you know the year?</p> <p>8 A I think it was 2007 or end of 2006,</p> <p>9 around there.</p> <p>10 Q And what did you do after you</p> <p>11 finished being -- after you were finished</p> <p>12 with your assignment as City editor?</p> <p>13 A I became managing editor.</p> <p>14 Q Are you still managing editor?</p> <p>15 A No.</p> <p>16 Q How long were you managing editor?</p> <p>17 A About two years.</p> <p>18 Q And after managing editor, what was</p> <p>19 your position?</p> <p>20 A Executive editor.</p> <p>21 Q Are you still executive editor?</p> <p>22 A Yes.</p> <p>23 Q Just briefly, what are your job</p> <p>24 responsibilities as executive editor?</p> <p>25 MR. LERNER: Objection.</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 33</p> <p>1 JESSE ANGELO</p> <p>2 A I look after the digital products</p> <p>3 of The New York Post.</p> <p>4 Q What does that mean?</p> <p>5 A The Website and the digital</p> <p>6 applications.</p> <p>7 Q Do you supervise any employees as</p> <p>8 executive editor?</p> <p>9 A Yes.</p> <p>10 Q How many employees do you</p> <p>11 supervise, approximately?</p> <p>12 MR. LERNER: Objection.</p> <p>13 A Four or five.</p> <p>14 Q Who are those four or five</p> <p>15 employees?</p> <p>16 A Jim Delchapo, who is the digital</p> <p>17 applications editor. Clemente Lisi, who is</p> <p>18 the deputy editor of the nypost.com.</p> <p>19 Tom Hinton, who I'm not sure what</p> <p>20 his exact title is right now.</p> <p>21 Arishal Mabisho Albany (ph.).</p> <p>22 Q What was the name again?</p> <p>23 A Arishal Mabisho Albany.</p> <p>24 Q Anyone else?</p> <p>25 A I believe those are all the direct</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>

<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 282</p> <p>1 JESSE ANGELO</p> <p>2 2004 for the position?</p> <p>3 MR. LERNER: Objection.</p> <p>4 A No, I don't recall investigating</p> <p>5 whether she -- the truth of the statement</p> <p>6 she had applied in 2004.</p> <p>7 Q Do you have any reason to believe</p> <p>8 that she had not applied in 2004 for the</p> <p>9 Queens Courthouse position?</p> <p>10 MR. LERNER: Objection.</p> <p>11 A No.</p> <p>12 MR. CLARK: Mark this as 21.</p> <p>13 (Angelo Exhibit 21, E-mail</p> <p>14 dated Thursday, February 16, 2006,</p> <p>15 5:51 p.m., Bates Number</p> <p>16 NYP-FL-001947, was marked for</p> <p>17 Identification.)</p> <p>18 BY MR. CLARK:</p> <p>19 Q It's very short, so take a minute</p> <p>20 and read it.</p> <p>21 This is Bates-stamped NYP-FL-1947.</p> <p>22 And as you can see, this appears to</p> <p>23 be an e-mail from Michelle Gotthelf to you,</p> <p>24 Mr. Angelo, dated February 16, 2006.</p> <p>25 Could you read that for me?</p> <p>TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 283</p> <p>1 JESSE ANGELO</p> <p>2 A "Might as well give Kim Queens.</p> <p>3 She's shown she can write pretty well off</p> <p>4 press releases."</p> <p>5 Q So obviously, this was what</p> <p>6 Michelle said to you, correct?</p> <p>7 A It is an e-mail from Michelle to</p> <p>8 me, yes. Or appears to be a facsimile</p> <p>9 thereof, yes.</p> <p>10 Q Do you remember receiving this</p> <p>11 e-mail from Michelle Gotthelf?</p> <p>12 A No, I do not.</p> <p>13 Q Do you agree with the statement</p> <p>14 that Kim had shown she can write pretty well</p> <p>15 off press releases?</p> <p>16 A I wanted to put Kim into Queens</p> <p>17 Court, I recall, because I wanted to give</p> <p>18 her a new role and give her a chance to</p> <p>19 succeed.</p> <p>20 Q Why did you specifically want her</p> <p>21 for the role of Queens Courthouse reporter?</p> <p>22 MR. LERNER: Objection.</p> <p>23 A She had been doing a role in the</p> <p>24 newsroom where she had not been successful,</p> <p>25 and as an editor, you're constantly trying</p> <p>TSG Reporting - Worldwide 877-702-9580</p>
<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 284</p> <p>1 JESSE ANGELO</p> <p>2 to find the right role for a reporter</p> <p>3 wherein they're going to contribute to the</p> <p>4 newspaper and be successful.</p> <p>5 She hadn't been successful in the</p> <p>6 role she was doing in the newsroom.</p> <p>7 Again, I don't recall these e-mails</p> <p>8 of her putting her head up for the beat, but</p> <p>9 when the beat came open, I remember thinking</p> <p>10 and discussing with Michelle that it might</p> <p>11 be a really good role for Kim, that perhaps</p> <p>12 she would work well in the Queens</p> <p>13 Courthouse.</p> <p>14 So that was my recollection of how</p> <p>15 she came to be given the role of Queens</p> <p>16 Courthouse.</p> <p>17 Q Why do you think she might work</p> <p>18 well in the Queens Courthouse?</p> <p>19 A Because when she was a reporter in</p> <p>20 the newsroom, one of the key things that she</p> <p>21 was supposed to be doing was generating</p> <p>22 story ideas, and she was not having success</p> <p>23 doing that.</p> <p>24 And one of the things about the</p> <p>25 role of a courthouse reporter is that there</p> <p>TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 285</p> <p>1 JESSE ANGELO</p> <p>2 are a lot of stories that are occurring in</p> <p>3 front of you.</p> <p>4 There are filings in civil cases,</p> <p>5 there are criminal cases that are moving</p> <p>6 through a courthouse. Therefore, the burden</p> <p>7 of trying to come up with story ideas out of</p> <p>8 thin air, so to speak, is less, so I thought</p> <p>9 that maybe having -- as well as having</p> <p>10 ownership of a patch, ownership of a</p> <p>11 physical area, might help her to be more</p> <p>12 successful in her role as reporter.</p> <p>13 Q So you felt this was a good fit for</p> <p>14 Kim?</p> <p>15 MR. LERNER: Objection.</p> <p>16 A I wanted to try and see if we could</p> <p>17 find a role for Kim wherein she could be</p> <p>18 successful.</p> <p>19 And I thought this might be a role</p> <p>20 where she would be successful.</p> <p>21 MR. CLARK: We're out of tape,</p> <p>22 so let's take five to change things.</p> <p>23 THE VIDEOGRAPHER: The time is</p> <p>24 5:15. We're going of the record.</p> <p>25 (A brief recess was</p> <p>TSG Reporting - Worldwide 877-702-9580</p>

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK

4 AUSTIN FENNER and)
IKIMULISA LIVINGSTON,)

5)
Plaintiff,) 09 CV 9832

6) (BSJ) (RLE)

7 vs.)

8 NEWS CORPORATION, NYP HOLDINGS,)
9 INC., d/b/a THE NEW YORK POST)
and DAN GREENFIELD and MICHELLE)
GOTTHELF,)

10 Defendants.)
-----)

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16 DEPOSITION OF JESSE ANGELO

17 New York, New York

18 Friday, April 5, 2013
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22
23

24 Reported by:

JOMANNA DeROSA, CSR

25 JOB NO. 59957

1 J. ANGELO

2 **Q. Apart from counsel, did you discuss**
3 **today's deposition with anyone else?**

4 A. No.

5 **Q. And apart from counsel, following**
6 **Ms. Livingston's termination from her employment,**
7 **did you discuss that termination with anyone else?**

8 A. No, not that I recall.

9 **Q. Did you discuss the termination**
10 **with Amy Scialdone since then?**

11 A. I don't believe so.

12 **Q. Okay. Did you conduct a -- did you**
13 **personally conduct a search for any documents**
14 **following Ms. Livingston's termination, in**
15 **connection with that termination?**

16 A. As I said previously, there was a
17 discovery order, and I looked through all of my
18 e-mails, and searched on all of the search terms
19 that were specified, and I looked in my hard drive
20 and searched under the specified terms.

21 **Q. Right. And so, apart from that**
22 **e-mail search, did you conduct any other search**
23 **for documents?**

24 A. Again, I also searched my hard
25 drive for documents.

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1 J. ANGELO

2 **Q. Okay. But any -- did you search**
3 **any hard copy files?**

4 A. I don't have any hard copy files
5 related to the matter.

6 **Q. Okay. You mentioned your business**
7 **addresses as being offices of The New York Post.**
8 **Are you currently employed by The New York Post?**

9 A. Yes.

10 **Q. Okay. Are you currently employed,**
11 **in any capacity, by News Corp.?**

12 A. No.

13 **Q. Are you currently employed, in any**
14 **capacity, by any other affiliate of News Corp.,**
15 **apart from The New York Post?**

16 MR. LERNER: Like when you say
17 "capacity," does he work for any other entity?

18 MR. PEARSON: Currently. Not in
19 the past.

20 **Q. But currently are you employed by**
21 **any other affiliate?**

22 A. No.

23 **Q. Okay. And what is your current**
24 **position at The New York Post?**

25 A. I'm the publisher.

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1 J. ANGELO

2 **Q. Okay. Did you hold that position**
3 **in April of 2012?**

4 A. No.

5 **Q. Okay. When did you assume that**
6 **position?**

7 A. Mid-December 2012, the end of last
8 year.

9 **Q. Okay. And how did you obtain that**
10 **position?**

11 MR. LERNER: Objection. You can
12 answer, if you understand it.

13 A. I don't quite understand it.

14 **Q. Sure. Were you recruited by The**
15 **New York Post to become publisher or did you**
16 **independently apply for that position, or some**
17 **other way?**

18 MR. LERNER: Objection. You can
19 answer.

20 THE WITNESS: I'm sorry. I can or
21 I cannot?

22 MR. LERNER: You can.

23 A. I was approached with an offer for
24 the job.

25 **Q. Okay. By whom?**

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1 J. ANGELO

2 A. By the chairman of The New York
3 Post.

4 **Q. And who is that?**

5 A. Rupert Murdoch.

6 **Q. Did you talk with anyone else at**
7 **The New York Post, or any of its affiliates, prior**
8 **to assuming duties as publisher?**

9 MR. LERNER: Objection. I think
10 you need to rephrase that question.

11 MR. PEARSON: That's fine. I can
12 clarify that.

13 **Q. So, apart from Mr. Murdoch, did you**
14 **talk with any other employees of The New York**
15 **Post, News Corp. or any of their affiliates, prior**
16 **to assuming your position as publisher at The**
17 **Post?**

18 A. That's a strange time frame. Prior
19 to me becoming publisher of The New York I spoke
20 to, over a decade, many people at The New York
21 Post. I don't get the question at all.

22 **Q. Fair enough. After Mr. Murdoch**
23 **approached you about the position -- understand**
24 **these questions follow from one another --**

25 A. Okay.

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1 J. ANGELO

2 **Q. Right. After Mr. Murdoch**
 3 **approached you about that position, did you talk**
 4 **with anyone else at The Post, News Corp. or any of**
 5 **their affiliates, before assuming your duties as**
 6 **publisher?**

7 MR. LERNER: About taking that
 8 position?

9 MR. PEARSON: Yes.

10 A. Before I accepted the position?

11 **Q. Yes.**

12 A. Not that I recall. I mean, I don't
 13 have any specific memory of speaking to anybody
 14 else at The Post after that.

15 **Q. Okay. And you began work as**
 16 **publisher at The Post in or around mid-December of**
 17 **2012. Is that right?**

18 A. That is correct, yes.

19 **Q. Okay. And what are your duties as**
 20 **publisher at The Post?**

21 A. I run the business.

22 **Q. Okay. What does that mean, if you**
 23 **could elaborate?**

24 A. The publisher of a newspaper is
 25 akin to the Chief Executive Officer of a business.

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1 J. ANGELO

2 **Q. Okay. As part of your duties as**
 3 **publisher, do you evaluate the performance of The**
 4 **Post's reporters?**

5 A. No.

6 **Q. Okay.**

7 A. Not as a standard, not as a matter
 8 of course, no.

9 **Q. Okay. Do you have the authority to**
 10 **hire and fire reporters at The Post?**

11 MR. LERNER: Objection. You can
 12 answer.

13 A. As CEO of the business I have the
 14 authority to hire and fire anybody I like.

15 **Q. And do you know who Ikimulisa or**
 16 **Kim Livingston is?**

17 A. Yes.

18 **Q. Okay. And who is she?**

19 A. She was a reporter at The New York
 20 Post.

21 **Q. Okay. How long have you known**
 22 **Ms. Livingston, if you know her at all?**

23 A. Over a decade.

24 **Q. Okay. How did you first become**
 25 **acquainted with her?**

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1 J. ANGELO

2 A. I worked with her at The New York
 3 Post.

4 **Q. And are you aware of what**
 5 **Ms. Livingston's last position with The New York**
 6 **Post was?**

7 A. Yes.

8 **Q. And what was that?**

9 A. She was a reporter.

10 **Q. Okay. Was she a particular kind of**
 11 **reporter or assigned to a particular beat?**

12 A. I believe she was a general
 13 assignment reporter.

14 **Q. Okay. And at the time of -- well,**
 15 **actually, let's start here.**

16 **Approximately when, if at any time,**
 17 **did Ms. Livingston's employment with The New York**
 18 **Post, as a general assignment reporter, end?**

19 A. Kim was dismissed for gross
 20 misconduct in -- I believe it was the end of
 21 February.

22 **Q. Okay. At the time of her**
 23 **termination, how would you describe**
 24 **Ms. Livingston's skill level as a general**
 25 **assignment reporter?**

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1 J. ANGELO

2 A. Again, I didn't supervise or
 3 evaluate her. I'm not in a position to say.

4 **Q. Okay. So, is it your testimony**
 5 **that since you became publisher of The Post you're**
 6 **not aware of Ms. Livingston's performance level as**
 7 **a general assignment reporter?**

8 A. That is correct. I'm not aware of
 9 how she was performing.

10 **Q. Do you know who Ms. Livingston's**
 11 **supervisor was at the time of her termination?**

12 A. I believe it was Dan Greenfield
 13 and/or Michelle Gotthelf. I don't know exactly
 14 who she directly reported to, though.

15 **Q. Okay. And do you know who made the**
 16 **decision to terminate Ms. Livingston's employment?**

17 A. Yes.

18 **Q. And who is that?**

19 A. Me.

20 **Q. And did you make that decision**
 21 **unilaterally?**

22 MR. LERNER: Objection to form.

23 A. Okay. Can you be more specific
 24 about "unilaterally"?

25 **Q. Sure. Did you alone make the**

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1 **J. ANGELO**
2 **decision to terminate Ms. Livingston's employment?**
3 A. Yes.
4 **Q. Did you meet with Ms. Livingston**
5 **about her termination at any time?**
6 A. Yes.
7 **Q. Okay. And when was that?**
8 A. On the day she was terminated.
9 **Q. Okay. We'll talk about the**
10 **termination meeting in a little while. But prior**
11 **to that termination meeting, and since you became**
12 **publisher at The Post, did you have any**
13 **discussions or correspondence with Ms. Livingston?**
14 A. No, not that I recall.
15 **Q. Since the time you became publisher**
16 **at The Post, up until Ms. Livingston's**
17 **termination, did you have any discussions with**
18 **anybody else at The Post about Ms. Livingston's**
19 **job performance?**
20 A. No, not that I recall.
21 **Q. Do you know what mystery shopping**
22 **is?**
23 A. I have a vague understanding of it.
24 **Q. Okay. What's your understanding of**
25 **what mystery shopping is?**
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1 **J. ANGELO**
2 **has, in fact, done that?**
3 A. Yes.
4 **Q. Okay. And are you aware of whether**
5 **or not Ms. Livingston has ever mystery shopped for**
6 **a company called Shop 'n Chek?**
7 A. Yes.
8 **Q. And has she done that?**
9 A. Yes.
10 **Q. Okay. Do you know what the mystery**
11 **shopping that Ms. Livingston did for TD or**
12 **Commerce Bank entailed; how it worked?**
13 MR. LERNER: Objection. Form.
14 A. I know that while she was being
15 employed by The New York Post and turning in time
16 sheets that she was working for The New York Post
17 she was, in fact, doing paid work on hundreds and
18 hundreds of occasions for these mystery shopping
19 outfits. I don't know what they're -- companies I
20 guess they're called.
21 **Q. Are you aware of whether or not**
22 **Ms. Livingston received payments in connection**
23 **with her mystery shopping on a W-2 or 1099 basis?**
24 A. Can you repeat the question,
25 please?
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1 **J. ANGELO**
2 A. My understanding is that is when
3 somebody is paid to go into a store or interact
4 with a business, I guess, telephonically or via
5 the Internet, and test out what the customer
6 service is like, what kind of reactions they get,
7 how the people perform in their duties at the
8 shop.
9 **Q. Have you ever done any mystery**
10 **shopping yourself?**
11 A. My wife might think I have with
12 some of the gifts I give her, but, no, I have not
13 done any mystery shopping.
14 **Q. Okay. And are you aware of anyone**
15 **else among your acquaintances, or anyone among**
16 **your acquaintances who have done mystery shopping?**
17 A. No.
18 **Q. Okay. Are you aware of whether or**
19 **not Ms. Livingston has ever mystery shopped?**
20 A. Yes.
21 **Q. Okay. And are you aware of whether**
22 **or not she's ever mystery shopped for TD or**
23 **Commerce Bank?**
24 A. Yes.
25 **Q. Okay. And are you aware that she**
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1 J. ANGELO
2 MR. PEARSON: Sure. Could the
3 question be read back?
4 (The requested portion of the
5 record was read.)
6 A. No, I'm not aware of that.
7 **Q. Okay. And are you able to describe**
8 **for me what Ms. Livingston actually did when she**
9 **would perform or conduct mystery shops for TD or**
10 **Commerce Bank?**
11 MR. LERNER: Objection.
12 MR. PEARSON: You may answer.
13 THE WITNESS: Can you read the
14 question back, please?
15 (The requested portion of the
16 record was read.)
17 A. No, I never witnessed it, but I
18 know she wasn't working for The New York Post as
19 she was supposed to be doing.
20 (Recess taken.)
21 **Q. Are you aware of what was entailed**
22 **in Ms. Livingston's mystery shopping for Shop 'n**
23 **Chek?**
24 A. The very fact that she was doing
25 mystery shopping, a paid job for somebody else
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